

Amendment No. \_\_\_\_\_

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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1747**

**House Bill No. 1643\***

by deleting all language after the caption and substituting instead the following:

WHEREAS, in 2015, the members of the One Hundred Ninth General Assembly passed the Tennessee Animal Abuser Registration Act, which became Public Chapter 413; and

WHEREAS, the act requires offenders convicted of aggravated cruelty to animals, felony animal fighting, or sexual activity with an animal to be entered on a public animal abuser registry in an effort to prevent future animal abuse by those offenders; now, therefore,

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:**

**SECTION 1.** Tennessee Code Annotated, Section 39-14-203(c)(1), is amended by adding the following language to the end of the subdivision:

Notwithstanding § 40-35-111, in addition to any other penalty imposed, the court shall prohibit the defendant from having custody of any companion animal, as defined in § 39-14-212(b), for a period of at least two (2) years from the date of conviction and may impose a lifetime prohibition. The court shall prohibit any person convicted of a second or subsequent offense under this subdivision (c)(1) from having custody of any companion animal for the person's lifetime.

**SECTION 2.** Tennessee Code Annotated, Section 39-14-212, is amended by deleting subsection (e) and substituting instead the following:

(e) In addition to the penalty imposed by subsection (d), the sentencing court shall order the defendant to surrender custody and forfeit all companion animals as defined in subdivision (b)(2), and may award custody of the animals to the agency presenting the case. Notwithstanding § 40-35-111, the court shall prohibit the defendant



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from having custody of companion animals for at least two (2) years from the date of conviction and may impose a lifetime prohibition. The court may also impose any other reasonable restrictions on the person's custody of other animals as is necessary for the protection of the animals. The court shall prohibit any person convicted of a second or subsequent offense under this section from having custody of any companion animal for the person's lifetime.

SECTION 3. Tennessee Code Annotated, Section 39-14-214(c), is amended by deleting the subsection and substituting instead the following:

(c) In addition to the penalty imposed in subsection (b):

(1) The court may order that the convicted person do any of the following:

(A) Not harbor or own animals or reside in any household where animals are present;

(B) Participate in appropriate counseling at the defendant's expense; or

(C) Reimburse the animal shelter or humane society for any reasonable costs incurred for the care and maintenance of any animals taken to the animal shelter or humane society as a result of conduct proscribed in subsection (a); and

(2) Notwithstanding § 40-35-111, the court shall prohibit the convicted person from having custody of any companion animal, as defined in § 39-14-212(b), for a period of at least two (2) years from the date of conviction and may impose a lifetime prohibition. The court shall prohibit any person convicted of a second or subsequent offense under this section from having custody of any companion animal for the person's lifetime.

SECTION 4. This act shall take effect July 1, 2020, the public welfare requiring it, and applies to offenses committed on or after that date.

House Criminal Justice Subcommittee Am. #1

Amendment No. \_\_\_\_\_

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**AMEND Senate Bill No. 1830**

**House Bill No. 1545\***

by deleting "January 31, 2021" in Section 1 and substituting instead "January 31, 2022".

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Date \_\_\_\_\_

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**AMEND Senate Bill No. 1601**

**House Bill No. 1608\***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. This act shall be known and may be cited as the "Safe Seniors Act of 2020."

SECTION 2. Tennessee Code Annotated, Section 39-13-202, is amended by deleting subdivision (a)(2) and substituting instead the following:

(2) A killing of another committed in the perpetration of or attempt to perpetrate any first degree murder, act of terrorism, arson, rape, robbery, burglary, theft, kidnapping, aggravated abuse of an elderly or vulnerable adult in violation of § 39-15-511, aggravated neglect of an elderly or vulnerable adult in violation of § 39-15-508, aggravated child abuse, aggravated child neglect, rape of a child, aggravated rape of a child, or aircraft piracy; or

SECTION 3. Tennessee Code Annotated, Section 39-15-501(13), is amended by deleting the word "fondling" and substituting instead the language "sexual contact, as defined in § 39-13-501".

SECTION 4. Tennessee Code Annotated, Section 40-11-150, is amended by deleting subsection (a) and substituting instead the following:

(a) In addition to the factors set out in § 40-11-118, in making a decision concerning the amount of bail required for the release of a defendant who is arrested for the offense of child abuse, child neglect, or child endangerment, as defined in § 39-15-401; the offense of aggravated child abuse, aggravated child neglect, or aggravated child endangerment, as defined in § 39-15-402; the offense of stalking, aggravated stalking, or especially aggravated stalking, as defined in § 39-17-315; a violation of § 39-



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15-510 or § 39-15-511, involving abuse or aggravated abuse of an elderly or vulnerable adult; or a violation of § 39-15-507 or § 39-15-508, involving neglect or aggravated neglect of an elderly or vulnerable adult; any criminal offense defined in title 39, chapter 13, in which the alleged victim of the offense is a victim as defined in § 36-3-601(5), (10), or (11), or is in violation of an order of protection as authorized by title 36, chapter 3, part 6, the magistrate shall review the facts of the arrest and detention of the defendant and determine whether the defendant is:

- (1) A threat to the alleged victim;
- (2) A threat to public safety; and
- (3) Reasonably likely to appear in court.

SECTION 5. Tennessee Code Annotated, Section 39-15-504, is amended by deleting the section and substituting instead the following:

In a case where an alleged offense under this part has been committed against an elderly or vulnerable adult, upon the state's motion, the court shall conduct a hearing to preserve the testimony of the victim within sixty (60) days of filing the motion, whether the case originates in general sessions court or criminal court.

SECTION 6. Tennessee Code Annotated, Section 40-35-115(b), is amended by inserting the following language as a new subdivision:

( ) The defendant has been convicted of two (2) or more statutory offenses involving sexual exploitation of an elderly or vulnerable adult with consideration of the aggravating circumstances arising from the relationship between the defendant and victim, the nature and scope of the sexual acts, and the extent of the physical and mental damage to the victim;

SECTION 7. Tennessee Code Annotated, Section 39-15-506, is amended by deleting subdivision (a)(1) and substituting instead the following:

(1) Following a conviction for a violation of § 39-15-502, § 39-15-507(b) or (c), § 39-15-508, § 39-15-510, § 39-15-511, or § 39-15-512, or an attempt to commit any of those offenses, or at the discretion of the court, for a conviction of § 39-15-507(d), the

clerk of the court shall notify the department of health of the conviction by sending a copy of the judgment in the manner set forth in § 68-11-1003 for inclusion on the registry pursuant to title 68, chapter 11, part 10.

SECTION 8. Tennessee Code Annotated, Section 39-13-502, is amended by deleting subdivision (a)(3)(B) and substituting instead the following:

(B) The defendant knows or has reason to know that the victim is a vulnerable adult. As used in this section, "vulnerable adult" means a person eighteen (18) years of age or older who, because of intellectual disability or physical dysfunction, has been determined by a licensed physician, psychologist, or senior psychological examiner to lack capacity to consent, as defined in § 71-6-120(a)(1), to sexual activity, or who is physically helpless.

SECTION 9. Tennessee Code Annotated, Section 39-13-503, is amended by deleting subdivision (a)(3) and substituting instead the following:

(3) The defendant knows or has reason to know that the victim is a vulnerable adult. As used in this section, "vulnerable adult" means a person eighteen (18) years of age or older who, because of intellectual disability or physical dysfunction, has been determined by a licensed physician, psychologist, or senior psychological examiner to lack capacity to consent, as defined in § 71-6-120(a)(1), to sexual activity, or who is physically helpless; or

SECTION 10. Tennessee Code Annotated, Section 39-15-501, is amended by deleting subdivision (9) and substituting instead the following:

(9) "Physical harm" means physical pain, injury, or diminished health, regardless of gravity or duration;

SECTION 11. Tennessee Code Annotated, Section 40-11-150(k), is amended by deleting subdivision (1) and substituting instead the following:

(1) Any offender arrested for a violation of § 39-15-510 or § 39-15-511, involving abuse or aggravated abuse of an elderly or vulnerable adult, or for a violation of § 39-15-507 or § 39-15-508, involving neglect or aggravated neglect of an elderly or vulnerable

adult, shall not be released within twelve (12) hours of the time of arrest. The magistrate or other official duly authorized to release the offender may, however, release the offender in less than twelve (12) hours if the official finds that the offender is not a threat to the alleged victim.

SECTION 12. For the purpose of promulgating rules, policies, and procedures for the implementation of this act, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2020, the public welfare requiring it.

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**AMEND Senate Bill No. 1913**

**House Bill No. 1650\***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-11-611(b), is amended by adding the following language as a new subdivision:

(3) For purposes of this subsection (b), a person is not engaged in unlawful activity or in a place where the person does not have a right to be if the person is engaged in the activity or in the place due to the person's status as a victim of human trafficking. The person must prove the person's status as a victim of human trafficking by clear and convincing evidence. The person may provide clear and convincing evidence of the person's status as a victim of human trafficking through testimony.

SECTION 2. Tennessee Code Annotated, Section 39-11-611(d), is amended by deleting subdivision (3) and substituting instead the following:

(A) Notwithstanding § 39-17-1322, the person using force is engaged in an unlawful activity or is using the dwelling, business, residence, or occupied vehicle to further an unlawful activity.

(B) For purposes of subdivision (d)(3)(A), a person is not engaged in unlawful activity or using a dwelling, business, residence, or occupied vehicle to further unlawful activity if the person is engaged in the activity or using the dwelling, business, residence, or occupied vehicle due to the person's status as a victim of human trafficking. The person must prove the person's status as a victim of human trafficking by clear and convincing evidence. The person may provide clear and convincing evidence of the person's status as a victim of human trafficking through testimony; or

SECTION 3. This act shall take effect July 1, 2020, the public welfare requiring it.



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**AMEND Senate Bill No. 1781**

**House Bill No. 1814\***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-35-114, is amended by adding the following as a new subdivision:

( ) The offense was planned or executed by using a telecommunication device within a penal institution;

SECTION 2. This act shall take effect July 1, 2020, the public welfare requiring it.



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